

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

DANIEL SANTURE,

Plaintiff,

v.

MARK HATT,

Defendant.

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Case No. 11-10193

Honorable Denise Page Hood

**ORDER ACCEPTING REPORT AND RECOMMENDATION**  
**and**  
**DENYING MOTION FOR SUMMARY JUDGMENT WITHOUT PREJUDICE**

This matter is before the Court on Magistrate Judge David R. Grand's Report and Recommendation filed December 30, 2011 [Doc. No. 21]. The time to file Objections has passed and no Objections have been filed to date.

The standard of review by the district court when examining a Report and Recommendation is set forth in 28 U.S.C. § 636. This Court "shall make a *de novo* determination of those portions of the report or the specified proposed findings or recommendations to which an objection is made." 28 U.S.C. § 636(B)(1)(c). The Court "may accept, reject or modify, in whole or in part, the findings or recommendations made by the Magistrate." *Id.*

In order to preserve the right to appeal the Magistrate Judge's recommendation, a party must file objections to the Report and Recommendation within fourteen (14) days of service of the Report and Recommendation. Fed. R. Civ. P 72(b)(2). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Howard v. Secretary of Health and Human Servs.*, 932 F.2d 505 (6th Cir. 1991); *United States v. Walters*, 638 F.2d 947 (6th

Cir. 1981).

After review of the Magistrate Judge's Report and Recommendation, the Court finds that his findings and conclusions are correct. The Court agrees with the Magistrate Judge that Defendant has not carried his burden of establishing that Plaintiff did not properly exhaust his administrative remedies. Accordingly,

IT IS ORDERED that Magistrate Judge David R. Grand's December 30, 2011 Report and Recommendation [No. 21] is ACCEPTED and ADOPTED as this Court's findings of fact and conclusions of law.

IT IS FURTHER ORDERED that Defendant's Motion for Summary Judgment [No. 13, filed 7/15/2011] is DENIED without prejudice.

S/Denise Page Hood  
Denise Page Hood  
United States District Judge

Dated: March 2, 2012

I hereby certify that a copy of the foregoing document was served upon Daniel Santure #161394, 1780 E. Parnall, Jackson, MI 49201 and counsel of record on March 2, 2012, by electronic and/or ordinary mail.

S/LaShawn R. Saulsberry  
Case Manager